

## FORM 26. Docketing Statement

# UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 14-1263Aqua Shield, Inc.

v.

Inter Pool Cover Team

## DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Inter Pool Cover Team, Alukov HZ spol. S.r.o., Alukov, spol. S.r.o.

Party is (select one)

☐ Appellant/Petitioner☐ Cross-Appellant☒ Appellee/Respondent☐ IntervenorTribunal appealed from and Case No. U.S. District Court, District of Utah,Date of Judgment/Order 2:09cv00013-TS Type of Case PatentRelief sought on appeal Appeal from Final Judgment entered December 9, 2013

Relief awarded below (if damages, specify) \_\_\_\_\_  
Reasonable royalty in the amount of \$10,800 and the issuance of a permanent injunction subject to conditions set forth in Final Judgment.

Briefly describe the judgment/order appealed from \_\_\_\_\_  
The December 9, 2013 Final Judgment awarded a reasonable royalty to plaintiff in the amount of \$10,800 and permanently enjoined defendants from infringing, either directly or by inducement, or by contribution the '160 Patent. The products adjudged to infringe the '160 Patent include the following pool cover models manufactured or offered for sale by defendants: Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient with generally flat and removable end panels.

## Form 26

## FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) \_\_\_\_\_
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) \_\_\_\_\_

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued \_\_\_\_\_

None

Brief statement of the issues to be raised on appeal \_\_\_\_\_

The issues to be raised on appeal include the District Court's Findings of Fact and Conclusions of Law finding an award of reasonable royalty in the amount of \$10,800, no lost profits, no willful infringement of the patent by defendants, and no award of attorney's fees

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☒ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☐ Yes ☒ No

If they were mediated, by whom? \_\_\_\_\_

## FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not \_\_\_\_\_  
During the pendency of the case below, the parties explored settlement initiatives but were very far apart in achieving a resolution.

Provide any other information relevant to the inclusion of this case in the court's mediation program. \_\_\_\_\_

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 10th day of February, 2014

by: overnight mail (Federal Express)  
(manner of service)

Gregory J. Coffey

Name of Counsel

  
Signature of Counsel

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